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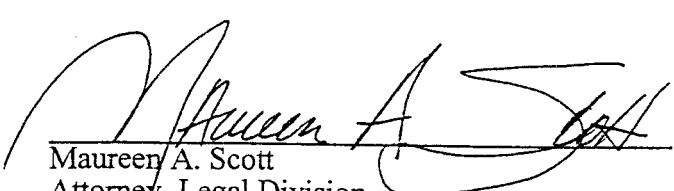
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COMMISSIONER

IN THE MATTER OF U S WEST)
COMMUNICATIONS, INC.'S)
COMPLIANCE WITH SECTION 271)
OF THE TELECOMMUNICATIONS)
ACT OF 1996)

NOTICE OF FILING

The Arizona Corporation Commission Staff, by its undersigned attorneys, hereby
files the Arizona Corporation Commission Staff Report on HP Issues raised in Workshop No. 4.

RESPECTFULLY SUBMITTED this 29th day of December, 1999.


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Original and ten copies of the foregoing
were filed this 29th day of December,
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CERTIFICATE OF SERVICE

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By Monica A. Martinez

Arizona Corporation Commission Staff

Report on

HP Issues Raised in Workshop No. 4

December 29, 1999

I. Introduction

On August 27, 1999, the Arizona Corporation Commission Staff ("ACC Staff" or "Commission Staff") released a Request for Proposal ("RFP") seeking proposals from interested vendors to examine U S WEST Communications Inc.'s ("U S WEST" or "Company") Operational Support Systems ("OSS") readiness in conjunction with an application filed by U S WEST before the Arizona Corporation Commission ("ACC") for Section 271 compliance. The RFP sought proposals for both a Third Party Test Administrator and a Third Party Test Transaction Generator or Pseudo-CLEC. Prospective bidders were allowed to submit proposals covering either role, or both, if desired. Five vendors responded with proposals.

At the request of the parties in Workshop No. 3, in the spirit of the collaborative process, ACC Staff released the nonconfidential portions of each proposal to workshop participants. At the further request of the parties, the ACC Staff allowed any interested party to submit comment on the RFP selection criteria. Several parties submitted comment on September 29, 1999, including AT&T Communications of the Mountain States, Inc. ("AT&T"), MCI Worldcom, Inc., on behalf of its regulated subsidiaries ("MCIW"), Cox Arizona Telecom, L.L.C. ("Cox") and U S WEST.

Subsequently, on October 4 and 5, 1999, the ACC Staff and its Consultants Doherty and Company, Inc. ("DCI") interviewed the five bidders. It was decided that while two bidders submitted proposals covering both the Test Transaction Generator role and the Test Administrator role in the testing process, that use of two separate unaffiliated entities would be best to ensure independence and objectivity with respect to the overall results. Each bidder was required, in Section VII of its proposal, to set forth its relationships with Arizona utilities. In their September 29, 1999 comments, AT&T and MCIW expressed concern regarding Hewlett-Packard Company ("HP") because of its prior contracts with U S WEST. AT&T also expressed concern regarding Telcordia because of their experience with Telcordia in the Texas 271 proceeding. See page 12 of AT&T and MCIW's Comments on Selection Criteria.

Based upon the results of the interviews conducted by the ACC Staff and the written proposals submitted to it, the ACC Staff selected Cap Gemini Telecommunications ("Cap Gemini") as the Third Party Test Administrator and HP as the Pseudo-CLEC or Test Transaction Generator. The ACC Staff announced its selections at Workshop No. 4 on October 21, and 22, 1999. At that time MCIW and AT&T once again expressed concern over the ACC Staff's selection of HP as Test Transaction Generator because of its prior contracts with U S WEST.

MCIW asked at Workshop No. 4 that an independent party such as Staff and/or its consultant, DCI, review the contracts between HP and U S WEST to determine the exact extent and nature of the contracts at issue. October 21, 1999 Tr. at pps 33-34. Both AT&T and MCIW also requested that HP release an unredacted version of Section VII of HP's proposal. Tr. at pps. 27-29. Because of the concerns expressed, the ACC Staff outlined the following three-part in-depth process to more closely examine and address

the concerns identified. First, HP would release an unredacted version of Section VII (Relationship with Arizona Utilities) of its proposal to all Workshop participants. Second, the ACC Staff's consultant DCI would undertake an in-depth review of all contracts between HP and U S WEST related to the Company's OSS IMA and EDI interfaces, and testimony from a Colorado proceeding which examined in part HP's work for U S WEST in the past. Third, existing safeguards would be examined to determine whether they were in fact adequate to address the concerns raised and to determine whether additional safeguards might also be instituted.

DCI submitted its report to the ACC Staff setting forth its findings and recommendations in late November, 1999. On December 13, 1999, the ACC Staff presented the report of its consultant, DCI, to parties in this proceeding in Denver, Colorado. Parties were then given an opportunity to present oral comment, the next day, regarding the DCI report. AT&T also subsequently filed written comments on December 21, 1999 on the DCI report.

II. HP's Work for U S WEST

At the request of the ACC Staff, its consultant, DCI, undertook an exhaustive review of the contracts between U S WEST and HP. Under the General Purchasing Agreement ("GPA") between HP and U S WEST, there were two primary work orders, with additional work performed by HP under each contract through amendment of the primary contract, both of which have been completed. The review by DCI indicated that HP's work on the Company's IMA interfaces and more recently its EDI interfaces (collectively the "IMA project") under these two work orders was performed in accordance with detailed requirements or parameters developed by U S WEST, and was a small part of a much larger undertaking.

U S WEST and HP entered into a third work order in the latter part of October, 1999. The contract term is from January, 2000 to December, 2000. The contract covers technical resources to be applied to the IMA project for the term of the contract. HP currently has one or two people working on this U S WEST work order.

III. Discussion

The ACC Staff believes that the following factors, together with Staff's safeguards discussed in Section IV of this report, make concerns that HP's work for U S WEST may somehow impair HP's ability to perform its functions as Test Transaction Generator in an unbiased and objective manner highly unlikely and unwarranted.

A. All Vendors With OSS Interface Experience, Like HP, Have Multiple Industry Relationships

It is virtually impossible to find a vendor with experience on OSS interfaces which does not have extensive and established relationships with all of the major industry

participants. Many of the other vendors interviewed by the ACC Staff also had contracts with the major industry participants, including U S WEST.

HP has extensive experience in this area, which is why it has probably more contacts, as a whole, than other entities; and has indeed done some work on the interfaces to be tested in this case. HP disclosed at the meeting on December 14, 1999, that it had done some work on Bell Atlantic's OSS interfaces and systems also, but successfully performed the role of Test Transaction Generator in New York. ACC Staff does know that a firewall was put in place between employees at HP who had worked on the Bell Atlantic contracts and the HP personnel who were assigned to test Bell Atlantic's OSS for Section 271 compliance. HP has or is also successfully performing the Test Transaction Generator role in Pennsylvania, New Jersey and Georgia.

In addition, many of the CLEC parties in this case are also large clients of HP. In fact, the testimony given in Colorado indicates that AT&T is a larger client of HP than is U S WEST. Indeed, at the October 21, 1999 workshop, the HP spokesman indicated that MCI WorldCom and "virtually everyone in ...the room" is an HP customer to some extent. Tr. at p. 30. The unredacted version of Section VII of HP's proposal demonstrates that HP does work for many of the other participants to this proceeding.

At the meeting on December 14, 1999, the HP spokesman indicated that their total revenues are approximately \$42 billion annually, with their telecommunications segment being the number one industry group. This is testament to the fact that it is one of the most highly respected firms in the telecommunications software development area. It is known to its client base, which include most of the participants in this case, as a firm with the utmost integrity. Because many of the parties to this proceeding are all clients of HP, Staff is confident that HP will do nothing which would in anyway jeopardize its reputation for integrity which it has built up over the years with its extensive and established client base in this area. Moreover, Staff is also confident, having worked closely with HP for two months now, that HP is capable and committed to performing the testing function in Arizona in an entirely objective and neutral fashion. In sum, HP is known for its ability to maintain objectivity, and Staff has witnessed that commitment in its contacts with HP to-date.

B. The Nature of Work Performed by HP, as Only One of the Contractors Which Worked on the U S WEST Projects, Was Limited To Implementing Software Architecture Based Upon U S WEST's Specifications and Requirements.

The extensive review of the contracts between U S WEST and HP undertaken by the ACC Staff's consultants, DCI, indicate that with respect to the work performed by HP for the Company, "U S WEST retained primary responsibility for defining the business requirements or functional specifications, and contracted with Hewlett-Packard and other contractors for the development of software which would support these requirements." This fact was further corroborated by HP witness Jim Roberts in a Colorado proceeding who stated: "HP was hired to develop software for U S WEST; the Company was not

hired in a consulting capacity...it was hired to develop a specific application based on specific (EDI) requirements provided to HP by U S WEST." Also, at the October 21, 1999 workshop, the HP representative stated "U S WEST was the designer of that interface. We built to the specifications. We were not the designer of it. And that's basically what we've done." Tr. at p. 30.

It is also significant that HP was only one of several contractors enlisted by U S WEST to assist in software development. In other words, HP was not the only, or even the primary, architect of the U S WEST IMA project. Put in proper perspective, HP's work was part of a much larger project with many other participants.

When questioned at the October 21, 1999 workshop on this issue, a U S WEST representative described the existing contract with HP as follows: "Since then, there has been much less involvement in terms of numbers of resources from HP on our projects. ... They do have some participants on our development teams in varying roles at substantially less than they have before. For example, I believe there's a gentleman who works on looking at downstream architectural interfaces, a single resource that does it. So they have miscellaneous resources on the team today. So they would be involved from each release, but not from the standpoint of actually developing the entire release on our behalf. They are project team members in some cases. But the vast majority of people today are not HP people on our electronic interface development teams." Tr. at p. 32.

MCIW also raised an issue at the December 14, 1999 meeting that U S WEST had in an affidavit submitted by Dean Buehler, relied upon testing done by HP to support in part its 271 compliance. This concern was also raised at the October 21, 1999 workshop, and Staff found both HP's and U S WEST's explanation to be satisfactory. Following is the relevant portion of this discussion:

"MR. CAMPBELL: Not that I know of. I reviewed some of the text from Jim Roberts' testimony, which is public record, as you know. And we were asked to do testing of the system as part of the normal development process, but we made no judgments associated with whether that complied with 271 or anything like that."

"MS. NOTARIANNI:HP performed a capacity test for us, capacity transaction test. We filed that in several places. They made no judgment call that I'm aware of in terms of making any sort of decision on our behalf or a recommendation as to whether it was sufficient for 271, sufficient for 251, or otherwise. It was just an analysis and the results. To my knowledge, they haven't done anything since that point in time."

In addition, at the time Mr. Buehler submitted his affidavit, the existing large-scale OSS testing process was not yet underway in Arizona. Clearly, the results of the OSS tests now being conducted will be the results that will be used to determine whether

U S WEST meets this element of the checklist. Once again, Staff is very confident that any capacity testing done by HP in the past as part of the normal development or acceptance process on the IMA project, will not interfere with HP's ability to objectively carry out its responsibilities in this case, given the safeguards that will be adhered to by HP in performing its role as Test Transaction Generator.

In summary, U S WEST retained primary responsibility for defining the business requirements or functional specifications for the projects under development which HP assisted in implementing. The limited prior testing by HP was part of the normal development process in the IMA project and was not done for 271 compliance purposes. HP was only one of several vendors working on the software development for U S WEST. HP's involvement with U S WEST systems today involves one or two HP employees who along with all of the other HP employees who have worked on the U S WEST IMA project have been firewalled off from participation in the Arizona project.

C. The Responsibilities of HP in the Arizona OSS Testing Process Do Not Include An Evaluation of U S WEST's OSS Interfaces

ACC Staff pointed out at the meeting on December 14, 1999 that the primary concern identified by AT&T and MCIW that HP would actually be evaluating U S WEST's OSS functionalities and EDI and IMA interfaces, is not correct. See AT&T and MCIW Comments on Selection Criteria at p. 10. See also, AT&T December 21, 1999 letter to Staff Counsel. HP was hired by Staff to perform the role of Pseudo-CLEC or Test Transaction Generator in the Arizona OSS evaluative process. In this role, HP will not be evaluating U S WEST's OSS IMA and EDI interfaces and functionalities. The Third Party Test Administrator, or Cap Gemini, will do all of the evaluating of U S WEST's OSS IMA and EDI interfaces and functionalities. HP, as the Pseudo-CLEC, will establish EDI, IMA/GUI and billing interfaces and run the various tests it is instructed to and provide the results of these tests to Cap Gemini for evaluation.

HP's representative at the October 21, 1999 workshop summarized their role as follows:

"First is, and typically ignored or perhaps overlooked, is ramping up as the CLEC business. So register as a CLEC, establishing the key relationships, agreeing on the final Master Test Plan and acquiring all of the resources, which includes the physical location, the hardware and software as well as the people. We will be establishing a local presence here actually at our local sales office here in Phoenix to perform all the testing, and I'll go through that in a second.

So our process, too, will be operating a CLEC business. All that's required basically to manage the day-to-day operations. That includes those various tasks, including communications, managing risk and issues, managing any retests. That's going to be a critical part of this as to what process we use on retesting and managing the various relationships and status reporting that we need to do both to the Arizona Commission and to the test manager.

Next, of course, establishing the interfaces, creating the OSS interfaces specified in the Master Test Plan and as specified by U S WEST documentation. You can read for yourself all of the various things that we need to do there. So that's a critical part of coming to closure on a Master Test Plan, agreeing on the test schedule and establishing the interfaces that will accomplish the tests.

The test functionality itself, we're going to be submitting the test data, logging received data, computing the performance, and reviewing the reporting on the performance as part of the input for the final report, as well as any intermediate reports that occur.

And finally, the test capacity. That's all about testing the capacity of the systems relative to again what's in the Master Test Plan.

Ramping down the CLEC business is the last part of our processes. That's all of the activities basically in tearing down and worrying about things like bill disconnects, creating the final report, participate in any regulatory hearings, and then finally close the engagement."

October 21, 1999 Tr. at pps. 20-21,

These activities and processes will all be overseen by the Test Administrator and pursuant to the terms of the Arizona Master Test Plan, Cap Gemini will also do the evaluation of the OSS interface and functionality test results. Staff might share, to some extent, the concerns expressed by MCIW and AT&T if HP had also been hired to perform the role of Third Party Test Administrator because in that role HP would also be evaluating all of the test results. However, as already noted, Staff enlisted the services of two separate unaffiliated entities to ensure objectivity. Further, even if it were conceded, as AT&T contends in its letter of December 21, 1999 to Staff Counsel, that some limited evaluation is done by HP, Staff believes that with the existing firewall in place, HP would perform such limited evaluation objectively. Additionally, to the extent such limited evaluation were to occur, it would also be subject to evaluation by Cap Gemini.

D. HP Has Put a Firewall in Place to Ensure that No Employee Engaged in the Arizona OSS Process Was Involved in the U S WEST IMA/EDI Work or Otherwise Has Access to Related Confidential Information

HP has put a firewall in place between its Arizona OSS Test Transaction Generator team and those individuals who have been or are engaged by U S WEST on its IMA project. The firewall will prevent nonpublic information obtained by HP in performing its contracts for U S WEST, from being shared with the HP Arizona Test Transaction Generator team. The firewall was put into place at the time of contract award and will remain in place until conclusion of the project by the ACC. Because of HP's extensive experience in this area, it has routinely used such firewalls in the past. At the October 21, 1999 workshop, the HP representative stated: "[s]o, for example, if we

were doing work for AT&T, we would ensure that people knowing and working with MCI would be insulated from that. So we have to put the same kinds of processes and procedures in place in either case." Tr. at pps. 82-83.

The firewall will operate as follows: HP has not and will not assign to the Arizona test project employees who were engaged at any time with U S WEST on its IMA project. HP has identified such employees through its billing system which is able to single out employees who have billed any time on U S WEST IMA or EDI work. HP will prepare and have individuals working on the Arizona 271 project sign affidavits verifying that they have no prior working knowledge of the IMA project and that they will notify the HP Project Manager immediately of any such information received during the course of the engagement. The ACC Staff and HP will agree on the format and content of the affidavit that each individual will sign. The HP Project Manager will review the affidavit with each individual prior to his or her signing it in order to emphasize the importance of maintaining the firewall. If during the course of the 271 evaluative process, any HP employee who is working on the Arizona 271 project receives knowledge of any of the IMA project data, he or she will notify the HP Project Manager, who will in turn notify DCI and/or the ACC Staff. DCI and HP, subject to ACC Staff review and approval, will decide whether such person shall be removed from the project team.

ACC Staff has received from HP, a list of HP employees who have worked on the U S WEST contracts. The ACC Staff, and its consultant DCI, will use this list to monitor HP's continued compliance with the firewall. The firewall, together with the other safeguards to be implemented by the ACC Staff, will ensure that no information obtained by HP as a result of its work for U S WEST will be shared with HP employees involved in the 271 evaluation process.

E. HP Will Do Its Testing Locally Which Will Allow for Maximum Oversight and Participation By the Staff and All Parties

HP was the only vendor for the Test Transaction Generator portion of the bid to offer to perform the testing locally in the Phoenix metropolitan area. HP will be using its offices in Tempe to construct the application-to-application OSS interface necessary for the testing and will perform all testing functions from its Tempe location. The HP representative explained how the local testing would be done at the October 21, 1999 workshop: "We would set up a production site in Phoenix. Typically, we believe that our sales office here in Phoenix, I believe it's down by the Hilton in south Mountain. So basically, we would be setting upon this production site with all of the code that comes from the SSOP organization. And this is our network configuration at a very high level." Tr. at pps. 22-23.

The ACC Staff believes that local testing is extremely important for test oversight purposes. The fact that HP will be performing the tests locally will allow the ACC Staff and other parties with ACC approval to more directly oversee and participate in the

testing process. The ACC Staff believes that the ability to more directly oversee the testing operations should act to ensure more confidence in the overall testing process.

Staff does not share MCIW's concern expressed at the December 14, 1999 meeting that the interface establishment and coding taking place in Atlanta somehow detracts from the importance of local testing. At the October 21, 1999 workshop, the HP representative explained: " Our test configuration, basically we stage all of the software in Atlanta at something called the Software Services Outsourcing Program that Hewlett Packard has. That is SEI level 2.9 certified. So we have a number of folks that have done this for other testing efforts that we've done but for a number of enterprise customers that HP has." Tr. at p. 22. Further HP is going to great lengths to assure parties confidence in the process. At the December 14, 1999 meeting in response to MCIW's comments, HP stated its willingness to allow parties to this proceeding to go to Atlanta and inspect the coding process, if any party so desires.

F. The ACC Staff, its Consultant DCI and the Third Party Test Administrator Will be Overseeing the Entire Testing Process.

The ACC Staff also does not believe the concerns of MCIW and AT&T are warranted in that the Staff, its Consultant DCI and the Third Party Test Administrator Cap Gemini will all be overseeing the entire testing process. The ACC is also committed to making the OSS testing process as open and rigorous as possible as long as it does not jeopardize the integrity of the test itself. The ACC Staff believes that this will ensure that the concerns of all parties are being met in a timely fashion, and will assist in maintaining the credibility of the overall process and parties' confidence in the process.

IV. Additional Safeguards

HP will put in place a firewall as described above. It will extend to HP's work on both U S WEST's IMA and EDI interfaces and will also include those individuals referenced in Mr. Buehler's March, 1998 Affidavit who may have previously performed some sort of limited evaluation of U S WEST's OSS functionalities, and in addition, any HP employees who have worked on any OSS interfaces or functionalities of Qwest Communications, because of the proposed merger between U S WEST and Qwest. As a result of this condition, HP should update as soon as possible the list of affected employees given to ACC Staff and its consultant, DCI. In addition, Staff has asked for an organizational chart which will show the overlap at the highest management level so that the firewall encompasses the highest level personnel as well.

All Hewlett-Packard employees assigned to the Arizona 271 OSS Test project will be required to sign affidavits stating that they did not participate on the Hewlett-Packard teams involved with the development of IMA/EDI software on behalf of U S WEST or in any previous evaluation of those systems. The individuals will also be required to certify that they have no prior knowledge of nor will they seek to gain knowledge of these interfaces or U S WEST's OSS interfaces or functionalities from

nonpublic sources. They will also be required to certify that if they are asked to at any time use information which is claimed to be proprietary, they will contact the HP Project Manager who will then contact the ACC Project Manager who will review the information and determine whether it is information that HP may use and/or whether it should be subject to release.

At the suggestion of Sprint's representative, the ACC will also require employees who worked on the Arizona 271 OSS Test project to sign affidavits at the end of the project stating that they did not obtain any information on U S WEST's OSS interfaces from nonpublic sources. The ACC Staff and its consultant, DCI, will continually monitor adherence to this firewall throughout the period of this engagement. The ACC Staff will also work with HP to develop methods to ensure compliance with the firewall.

The ACC Staff and its consultant DCI will impose stringent reporting and documentation requirements on HP's Pseudo-CLEC operations. The ACC will require verification that all interface development work, and test results and findings can be substantiated through the use of public information. The ACC Staff, and/or DCI, will do periodic audits of this requirement to ensure that it is being met.

The ACC Staff and its consultant DCI will work with parties to establish openness of process to the maximum extent possible and to allow for maximum participation by all parties during the testing process. If at any time, parties have questions or concerns regarding the process used for interface development or any of the testing functions, parties are instructed to bring their concerns immediately to the Staff for discussion and review. Otherwise, Staff will assume that the testing process is working to everyone's satisfaction.

The ACC Staff will request HP to apprise it and its consultants DCI on a continuous basis of any future contract, contract amendments, or work orders it enters into with U S WEST or Qwest pertaining to their OSS IMA and EDI interfaces and functionalities, and the nature of the work to be performed thereunder.

Finally, as recommended by DCI, the Master Test Plan will be modified if necessary to make it clear that the Pseudo-CLEC will establish the interfaces and accumulate test results and provide that data to the Test Administrator for evaluation.

V. Conclusion

In conclusion, based upon the above evaluation and the report of its consultant, DCI, the ACC Staff agrees with the recommendation of its consultants, DCI, that Hewlett-Packard can perform the function of Test Transaction Generator for the Arizona 271 OSS evaluation in an entirely neutral and objective manner. The ACC Staff does not believe that HP's work for U S WEST, with the firewall and other safeguards in place, will in any way impair HP's ability to objectively perform its responsibilities as Test Transaction Generator for the Arizona 271 OSS evaluation.